

Part 2

Division of Arts and Museums

9-6-201 Division of Arts and Museums -- Creation -- Powers and duties.

- (1) There is created within the department the Division of Arts and Museums under the administration and general supervision of the executive director or the designee of the executive director.
- (2) The division shall be under the policy direction of the board.
- (3) The division shall advance the interests of the arts, in all their phases, within the state, and to that end shall:
 - (a) cooperate with and locally sponsor federal agencies and projects directed to similar undertakings;
 - (b) develop the influence of arts in education;
 - (c) involve the private sector, including businesses, charitable interests, educational interests, manufacturers, agriculturalists, and industrialists in these endeavors;
 - (d) utilize broadcasting facilities and the power of the press in disseminating information; and
 - (e) foster, promote, encourage, and facilitate, not only a more general and lively study of the arts, but take all necessary and useful means to stimulate a more abundant production of an indigenous art in this state.
- (4) The board shall set policy to guide the division in accomplishing the purposes set forth in Subsection (3).
- (5) Except for arts development projects under Section 9-6-804, the division may not grant funds for the support of any arts project under this section unless the project has been first approved by the board.
- (6)
 - (a) For a pass-through funding grant of at least \$25,000, the division shall make quarterly disbursements to the pass-through funding grant recipient, contingent upon the division receiving a quarterly progress report from the pass-through grant recipient.
 - (b) The division shall:
 - (i) provide the pass-through grant recipient with a progress report form for the reporting purposes of Subsection (6)(a); and
 - (ii) include reporting requirement instructions with the form.

Amended by Chapter 350, 2015 General Session

9-6-202 Division director.

- (1) The chief administrative officer of the division shall be a director appointed by the executive director in consultation with the board and the advisory board.
- (2) The director shall be a person experienced in administration and knowledgeable about the arts and museums.
- (3) In addition to the division, the director is the chief administrative officer for:
 - (a) the Board of Directors of the Utah Arts Council created in Section 9-6-204;
 - (b) the Utah Arts Council created in Section 9-6-301;
 - (c) the Office of Museum Services created in Section 9-6-602;
 - (d) the Museum Services Advisory Board created in Section 9-6-604; and
 - (e) the Arts and Culture Business Alliance created in Section 9-6-803.

Amended by Chapter 350, 2015 General Session

9-6-203 Division powers relating to property.

- (1) The division may:
 - (a) take by purchase, grant, gift, devise, or bequest, any property, real or personal, for any purpose appropriate to its objects; and
 - (b) convert property received by gift, grant, devise, or bequest and not suitable for its uses, into other property so available or into money.
- (2) The property received or converted under Subsection (1) shall be held, invested, and managed and its proceeds used by the division for the purposes and under the conditions prescribed in the grant or donation.
- (3) If by the terms of any grant, gift, devise, or bequest, conditions are imposed that are impracticable under the law, the grant or donation does not fail but the conditions shall be rejected and the intent of the grantor or donor carried out as nearly as may be.
- (4) A grant, gift, devise, or bequest for the benefit of the division may not be defeated or prejudiced by any misnomer, misdescription, or informality if the intention of the grantor or donor can be shown or ascertained with reasonable certainty.

Amended by Chapter 378, 2010 General Session

9-6-204 Utah Arts Council Board of Directors.

- (1) There is created within the division the Board of Directors of the Utah Arts Council.
- (2)
 - (a) The board shall consist of 13 members appointed by the governor to four-year terms of office with the consent of the Senate.
 - (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
 - (c) Nine board members shall be working artists in the following areas:
 - (i) visual arts;
 - (ii) architecture or design;
 - (iii) literature;
 - (iv) music;
 - (v) sculpture;
 - (vi) folklore or folk arts;
 - (vii) theatre;
 - (viii) dance; and
 - (ix) media arts.
 - (d) Four board members shall be citizens knowledgeable in the arts.
- (3) The members shall be appointed from the state at large with due consideration for geographical representation.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor within one month from the time of vacancy.
- (5) Seven members of the board constitute a quorum for the transaction of business.
- (6) The governor shall annually select one of the board members as chair.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;

- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (8) A member may not receive gifts, prizes, or awards of money from the purchasing fund of the division during the member's term of office.

Amended by Chapter 212, 2012 General Session

9-6-205 Board powers and duties.

- (1) The board may:
 - (a) make, amend, or repeal rules for the conduct of its business in governing the council in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (b) receive gifts, bequests, and property; and
 - (c) issue certificates and offer and confer prizes, certificates, and awards for works of art and achievement in the arts.
- (2) The board shall make policy for the council.
- (3)
 - (a) By September 30 of each year, the board shall prepare and submit a request to the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible individuals and organizations under this part, Part 3, Utah Arts Council, Part 4, Utah Percent-for-Art Act, and Part 5, State Arts Endowment.
 - (b) The board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of:
 - (i) the total grant amount requested in the list; and
 - (ii) the basis of its prioritization of requested grants on the list.
 - (c) The board shall accept applications for capital facilities grants through June 1 of each year, prior to compiling and submitting its yearly request to the governor and the Legislature under Subsection (3)(a).

Amended by Chapter 189, 2014 General Session